

SP ENVIRONMENTAL & NATURAL RESOURCES
ONE MARKET PLACE
SAN FRANCISCO, CA 94105

90072305

Waste Management Unit
Coolidge CA

DONALD A. CARR
Acting Assistant Attorney General
Land & Natural Resources Division
United States Department of Justice

WILLIAM A. WEINISCHKE
Environmental Enforcement Section
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 633-4592

DAVID F. LEVI
United States Attorney

Assistant United States Attorney
3305 Federal Building
650 Capitol Mall
Sacramento, California 95814
Telephone: (916)

GAIL B. COOPER
Acting Regional Counsel

LAURIE J. WILLIAMS
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 9
215 Fremont Street
San Francisco, CA 94105
Telephone: (415) 974-9579

ATTORNEYS FOR PLAINTIFF
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
SOUTHERN PACIFIC
TRANSPORTATION COMPANY,
Defendant.

civ. 889- 1081-RJG/JFM

CONSENT DECREE

TOXICS SUBSTANCES CONTROL
SITE MITIGATION BRANCH

JUL 02 1991

CALIFORNIA DEPARTMENT OF
HEALTH SERVICES SACRAMENTO

ORDER RETURNED FOR SERVICE
ON 12-13-89
TO ATTORNEY [Signature] AUSA

I hereby certify that the annexed
instrument is a true and correct copy of the
original on file in my office.
ATTEST:
Jack L. Wagner
Clerk, U.S. District Court
Eastern District of California
By [Signature]
Dates JUN 20 1990

RECORDED IN OFFICIAL RECORDS OF
FRESNO COUNTY, CALIFORNIA.
AT 5 MIN PAST 3 P.M.
JUN 21 1990
GALEN LARSON
County Recorder
FEE \$129

Return to:

David W. Long, Esq.
General Attorney
Southern Pacific Transportation
Company
One Market Plaza
8th Floor
San Francisco, CA 94105

G.F.S.

JUN 25 1990

SFUND RECORDS CTR
1633-91994

File 100

| | |
|--|--------------|
| RECORDED IN OFFICIAL RECORDS OF FRESNO COUNTY, CALIFORNIA | |
| AT 32 MIN | PAID 1.10 |
| JUN 22 1990 | |
| GALEN LARSON County Recorder | FEE \$ 11 |

DEED RESTRICTION

(WASTE MANAGEMENT UNIT CONSTRUCTED ON PROPERTY OF SOUTHERN PACIFIC TRANSPORTATION COMPANY IN THE SOUTHERLY END OF THE TOWN OF COALINGA ALONG STATE HIGHWAY 198 Elm Street, COALINGA, FRESNO COUNTY, CALIFORNIA)

This Deed Restriction ("Deed Restriction") is made as of the 21st day of June, 1990, by the Southern Pacific Transportation Company ("Owner") which is the owner of record of certain real property situated in the City of Coalinga, County of Fresno, State of California, illustrated on the drawing attached hereto marked Exhibit A and incorporated herein by this reference (the "Property"), with reference to the following facts:

- A. The Property is the subject of a Consent Decree entered into by and between Owner and the United States of America on behalf of the United States Environmental Protection Agency in Case CIV # 89-1081-EFG/JFM in the United States District Court for the Eastern District of California ("Consent Decree").
- B. A copy of the Consent Decree is recorded ~~at Book 25~~
~~Page document # 90072305~~.
- C. Owner is obligated, pursuant to paragraph 2 of Appendix E to the Consent Decree, to file with the Recorder's Office in Fresno, California, a deed restriction prohibiting anyone in possession of the Property from taking any actions that would interfere with the maintenance or operation of the waste management unit constructed pursuant to the Consent Decree.
- D. Paragraph 3 of Appendix E to the Consent Decree states that any deed, title or other instrument of conveyance regarding the Property shall contain a notice that the Property is subject to the Consent Decree, setting forth

the status of the case, the case number, and the Court having jurisdiction therein.

NOW, THEREFORE, in accordance with the terms of the Consent Decree does Owner record this Deed Restriction. Anyone in possession of the Property shall be prohibited by the Consent Decree or otherwise under law from taking any actions that would interfere with the maintenance or operation of the waste management unit to be constructed pursuant to the Consent Decree and to be located at or near the southern end of the Town of Coalinga along the east side of Highway 198 (Elm Street). It is the intention of the Owner, once such waste management unit has been constructed and its actual location established, to record that information in the records of the Recorder's Office.

IN WITNESS WHEREOF, the undersigned executes this Deed Restriction on behalf of Owner as of the date first set forth above.

SOUTHERN PACIFIC TRANSPORTATION COMPANY

By: David W. Long

Title: General Attorney

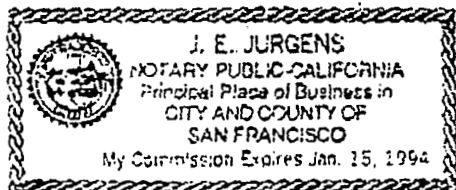
Date: June 21, 1990

STATE OF CALIFORNIA)

COUNTY OF SAN FRANCISCO)

On JUNE 21, 1990, before me, the undersigned, a Notary Public in and for said state, personally appeared David W. Long, personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as General Attorney of Southern Pacific Transportation Company, the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same pursuant to authority contained in its bylaws or a resolution of its board of directors.

WITNESS my hand and official seal.



My commission expires 1-15-94

